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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,923	11/24/2003	William Jackson Bushnell	Bushnell 26-27 (13436.287	5224
24283	7590	03/09/2006	EXAMINER	
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			PHAN, HUY Q	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,923	Applicant(s) BUSHNELL ET AL.	
	Examiner Huy Q. Phan	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 02/07/2006.
Claims 1-14 are still pending.

Response to Arguments

2. Applicant's arguments filed 02/07/2006 have been fully considered but they are not persuasive.

a) In response to Applicant's arguments with regard to the amended claims 1, 4, 8 and 11, applicants argues that "the Mayne patent fails to show or suggest the provision of: "query means for exchanging said user location data with at least one of said enterprise communication network and said public communication network" since there is no communication with the public communication network with respect to the location of the user' telephone set." While, Mayen evidently discloses that "The WIS can store data concerning which radio 34,28 ("query means" PBX 40 contains radio 28) the user's communication device 3,4,5,6,7,8 is attached to. Every time a user's communication device 3,4,5,6,7,8 moves from one radio 28,34 (Access Point 2 contains radio 34) to another there is a disconnection and reconnection process. To make this as seamless as possible a "roaming" capability is operated by the processor to allow the controlled hand-off from one radio to another", see [0075] and [0121])

The examiner notes that the claim contains the limitation of "at least one of", which is an alternative phrase. Therefore, the reference need only show one

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of the criteria in the claim, which May clearly discloses that there is communication with the enterprise communication network with respect to the location of the user' telephone set (described as "Every time a user's communication device 3,4,5,6,7,8 moves from one radio 28,34 (Access Point 2 contains radio 34) to another there is a disconnection and reconnection process. To make this as seamless as possible a "roaming" capability is operated by the processor to allow the controlled hand-off from one radio to another", see [0075] and [0121]).

b) Applicants argues that "the Mayne patent fails to show or suggest the provision of: "call pickup means, responsive to said user location data and the presence of a call directed to said user wireless station set, for transmitting an alert signal to said user's wireless station set and at least one of said additional station sets", while Mayen particularly discloses "The PBX adapter allows connection to an existing PBX so that when an incoming call can be transferred to an extension which rings the Bluetooth phone via the Bluetooth connection. The Bluetooth phone becomes a portable extension of the desk phone. If the Bluetooth phone is incorporated in a mobile phone, these phones are referred to as 3-in-1 phone, the three modes being: GSM calls outside of the office environment, cordless calls and intercom calls directly between Bluetooth phones when inside the office" see [0110].

With all the reasons stated above, the rejection is deemed proper and still stands.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayne (US-2004/0025047).

Regarding claim 1, Mayne discloses an interoperability system (fig. 1 and its description) connected to an enterprise communication network (LAN 10) and a public communication network (PSTN 43 or Internet 14 (fig. 8) or WAN [0101] or phone network 44 [0119]) for providing call pick up service to a user's wireless station set (Bluetooth phone; see [0110]) which is located in the coverage area of a one of said enterprise communication network and said public communication network ([0101]-[0113]), and which is a member of a call pick up group comprising said user's wireless station set and at least one additional station set (desk phone or mobile phone or headset; see [0110]-[0113]), comprising:

presence server means (WIS 1 and its description) for storing user location data representative a service location of a user wireless station set ([0072]-[0075], [0121] and [0054]);

query means (PBX 40 and its description, also see [0110]) for exchanging said user location data ("The WIS can store data concerning which radio 34,28 ("query means" PBX 40 contains radio 28) the user's communication device 3,4,5,6,7,8 is attached to. Every time a user's communication device 3,4,5,6,7,8 moves from one radio 28,34 (Access Point 2 contains radio 34) to another there is a disconnection and reconnection process. To make this as seamless as possible a "roaming" capability is operated by the processor to allow the controlled hand-off from one radio to another", see [0075]) with at least one of said enterprise communication network and said public communication network ([0075] and [0121]); and

call pickup means (PBX adapter; [0110]), responsive to said user location data and the presence of a call directed to said user wireless station set, for transmitting an alert signal to said user's wireless station set and at least one of said additional station sets ([0101]-[0113]).

Regarding claim 2, Mayne discloses the interoperability system of claim 1 wherein said call is directed to said enterprise communication network and said user wireless station set is served by said public communication network [0010], said call pickup means comprises: enterprise communication network means for transmitting said alert signal to at least one of said additional station sets served by said enterprise communication network ([0101]-[0113]).

Regarding claim 3, Mayne discloses the interoperability system of claim 1

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wherein said call is directed to said enterprise communication network and said user wireless station set is served by said public communication network [0010], said call pickup means comprises: public communication network means for transmitting said alert signal to at least one of said additional station sets served by said public communication network (fig. 7 and description; also see [0101]-[0113]).

Regarding claim 4, Mayne discloses the interoperability system of claim 1 wherein said call pickup means comprises: call forwarding means for transmitting an alert signal to said user wireless station set at said service location of said user's wireless station set (described as "The PBX adapter allows connection to an existing PBX so that when an incoming call can be transferred to an extension which rings the Bluetooth phone via the Bluetooth connection. The Bluetooth phone becomes a portable extension of the desk phone. If the Bluetooth phone is incorporated in a mobile phone, these phones are referred to as 3-in-1 phone, the three modes being: GSM calls outside of the office environment, cordless calls and intercom calls directly between Bluetooth phones when inside the office" see [0110]).

Regarding claim 5, Mayne discloses the interoperability system of claim 1 wherein said call pickup means comprises: answer means, responsive to one of said additional station sets dialing a call pick up code or click Pickup icon on IP phone, for redirecting said call to said one of said additional station sets ([0117]-

[0129]).

Regarding claim 6, Mayne discloses the interoperability system of claim 1 wherein said enterprise communication network and said public communication network each comprise at least one cell site (inherently as "access points 2"), said presence server means comprises: location data update means [0054], responsive to user location data received from a one of said enterprise communication network and said public communication network (fig. 1 and its description), for recording present location data identifying a one of said at least one cell site which presently serves said user wireless station set ([0072]-[0075], [0121] and [0054]).

Regarding claim 7, Mayne discloses the interoperability system of claim 6 wherein said presence server means further comprises: status means for identifying a present operational status of said user wireless station set ([0119] and [0072]-[0075]).

Regarding claim 8, Mayne discloses a method of providing call pick up service interoperability in both an enterprise communication network (LAN 10) and a public communication network (PSTN 43 or Internet 14 (fig. 8) or WAN [0101] or phone network 44 [0119]) to a user's wireless station set (Bluetooth phone; see [0110]) which is located in the coverage area of a one of said enterprise communication network and said public communication network

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.[0101]-[0113]), and which is a member of a call pick up group comprising said user's wireless station set and at least one additional station set (desk phone or mobile phone or headset; see [0110]-[0113]), comprising:

storing (WIS 1 and its description) user location data representative a service location of a user wireless station set ([0072]-[0075], [0121] and [0054]);

exchanging said user location data ("The WIS can store data concerning which radio 34,28 ("query means" PBX 40 contains radio 28) the user's communication device 3,4,5,6,7,8 is attached to. Every time a user's communication device 3,4,5,6,7,8 moves from one radio 28,34 (Access Point 2 contains radio 34) to another there is a disconnection and reconnection process. To make this as seamless as possible a "roaming" capability is operated by the processor to allow the controlled hand-off from one radio to another", see [0075]) with at least one of said enterprise communication network and said public communication network ([0075] and [0121]) with at least one of said enterprise communication network and said public communication network (fig. 7, PBX 40 and its description); and transmitting (PBX adapter; [0110]), in response to said user data and the presence of a call directed to said user wireless station set [0010], an alert signal to said user's wireless station set and at least one of said additional station sets (described as "The PBX adapter allows connection to an existing PBX so that when an incoming call can be transferred to an extension which rings the Bluetooth phone via the Bluetooth connection. The Bluetooth phone becomes a portable extension of the desk phone. If the Bluetooth phone is incorporated in a mobile phone, these phones are referred to as 3-in-1 phone,

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the three modes being: GSM calls outside of the office environment, cordless calls and intercom calls directly between Bluetooth phones when inside the office" see [0110]).

Regarding claim 9, Mayne discloses the method of providing call pick up service of claim 8 wherein said call is directed to said enterprise communication network and said user wireless station set is served by said public communication network [0010], said step of transmitting comprises: transmitting said alert signal to at least one of said additional station sets served by said enterprise communication network ([0101]-[0113]).

Regarding claim 10, Mayne discloses the method of providing call pick up service of claim 8 wherein said call is directed to said enterprise communication network and said user wireless station set is served by said public communication network, said step of transmitting comprises: transmitting said alert signal to at least one of said additional station sets served by said public communication network ([0117]-[0129]).

Regarding claim 11, Mayne discloses the method of providing call pick up service of claim 8 wherein said step of transmitting comprises: transmitting an alert signal to said user wireless station set at said service location of said user's wireless station set (described as "The PBX adapter allows connection to an existing PBX so that when an incoming call can be transferred to an extension

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which rings the Bluetooth phone via the Bluetooth connection. The Bluetooth phone becomes a portable extension of the desk phone. If the Bluetooth phone is incorporated in a mobile phone, these phones are referred to as 3-in-1 phone, the three modes being: GSM calls outside of the office environment, cordless calls and intercom calls directly between Bluetooth phones when inside the office" see [0110]).

Regarding claim 12, Mayne discloses the method of providing call pick up service of claim 8 wherein said step of transmitting comprises: answer means, responsive to one of said additional station sets dialing a call pick up code or click Pickup icon on IP phone, said call to said one of said additional station sets ([0117]-[0129]).

Regarding claim 13, Mayne discloses the method of providing call pick up service of claim 8 wherein said enterprise communication network and said public communication network each comprise at least one cell site (inherently as "access points 2"), said step of storing comprises: redirecting ("call transfer"; see [0117]-[0129]), in response to user location data received from a one of said enterprise communication network and said public communication network (fig. 1 and its description), for recording present location data identifying a one of said at least one cell site which presently serves said user wireless station set ([0072]-[0075], [0121] and [0054]).

Regarding claim 14, Mayne discloses the method of providing call pick up service of claim 13 wherein said step of storing further comprises: identifying a present operational status of said user wireless station set ([0119] and [0072]-[0075]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Roeder discloses "a system for call forwarding includes a telephone subsystem operable to communicate with a telephonic device. The system also includes a wireless subsystem operable to communicate with a mobile station. The mobile station is associated with the telephonic device. The system further includes a packet subsystem coupled to the telephone subsystem and the wireless subsystem. The packet subsystem is operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem. The packet subsystem is also operable to communicate the telephone call to the wireless subsystem for delivery to the mobile station" (see abstract and specification).

b) Plahte discloses that "Advanced Handling of Incoming Calls: Ability to forward a call without answering it" (see abstract and specification).

5. **THIS ACTION IS MADE FINAL.**

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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.

AU: 2687

Date: 03/02/2006

**JEAN GELIN
PRIMARY EXAMINER**